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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 RICHARD D. YORK,

No. C09-5513 RBL/KLS

8 Petitioner,

ORDER ADOPTING REPORT AND  
RECOMMENDATION

9 v.

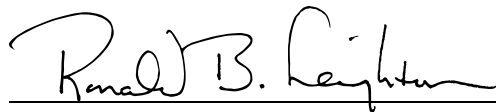
10 MAGGIE MILLER-STOUT,

11 Respondent.

12 The Court, having reviewed the report and recommendation, Petitioner's application to  
13 proceed *in forma pauperis* and the remaining record, hereby finds and **ORDERS**:

- 14 (1) the Magistrate Judge's report and recommendation is approved and adopted;  
15 (2) Petitioner's application to proceed *in forma pauperis* is **DENIED**;  
16 (3) Petitioner shall pay the required filing fee [\$5.00] to the Clerk of the Court within  
17 thirty (30) days of the date of this Order and shall amend his Petition to correctly  
18 name his custodian as Respondent, otherwise this action will be dismissed; and  
19 (4) the Clerk is directed to send copies of this Order to Petitioner and any other party  
20 that has appeared in this action.

21 DATED this 23<sup>rd</sup> day of October, 2009.  
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25 RONALD B. LEIGHTON  
26 UNITED STATES DISTRICT JUDGE